

## NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL,  
TUESDAY, FEBRUARY 24, 2009  
COUNCIL CHAMBERS, 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA

### 6 P.M. SPECIAL COUNCIL MEETING (Study Session)

#### City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session: **Overview of Proposed 124 Unit Senior Housing Project at 660 South Fair Oaks Avenue**  
Staff Contact: Suzanne Ise, (408) 730-7698
4. Public Comment
5. Adjourn Special Meeting

### 7 P.M. COUNCIL MEETING

*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

#### **CALL TO ORDER**

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

#### **PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

#### **CONSENT CALENDAR**

- |      |        |  |
|------|--------|--|
| 1.A. | MOTION | Approval of Council Meeting Minutes of November 18, 2008           |
| 1.B. | MOTION | Approval of Council Meeting Minutes of December 02, 2008           |
| 1.C. | MOTION | Approval of Information/Action Items – Council Directions to Staff |

*Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.*

**Fiscal Items**

- 1.D. MOTION List of Claims and Bills Approved for Payment by the City Manager - List  
RTC 09-049 Nos. 440 and 441

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Peter Gonda, (408) 730-7385

- 1.E. MOTION Acceptance and Appropriation of Department of Homeland Security  
RTC 09-044 Training Funds and Budget Modification No. 28

Staff Recommendation: Alternative No.1: Council accepts and appropriates the SUASI monies for the Multiple Patient Management Planning Drill and approves Budget Modification No. 28.

Staff Contact: Heather Tannehill, (408) 730-7157

**Personnel Items**

- 1.F. RESOLUTION Amendment to the Schedule of pay of the Salary Resolution: Salary  
MOTION Adjustment for Pay Plan Category A (applies to Classified Public Safety  
RTC 09-051 Dispatchers-in-Training, Dispatchers, and Senior Dispatchers)

Staff Recommendation: Alternative No. 1: Council amends Section 2.000 (Pay Plan Category A) of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective February 8, 2009.

Staff Contact: Tammy Parkhurst, (408) 730-7498

**Contracts**

- 1.G. MOTION Award of Bid No. F0811-36 for the Reconstruction of Curbs, Gutters,  
RTC 09-054 Sidewalks and Driveway Approaches Throughout Sunnyvale

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft and in the amount of \$286,215 to JJR Construction, Inc. for reconstruction of curbs, gutters, sidewalks and driveway approaches, and; approves a project contingency in the amount of \$71,554.

Staff Contact: Peter Gonda – (408) 730-7385

- 1.H. MOTION Award of Request for Proposals No. F0810-24 to Develop a Water Utility  
RTC 09-057 Master Plan

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft and in the amount of \$189,892 to Infrastructure Engineering Corp. (IEC) for consulting services required to develop a Water Utility Master Plan (Base Project); and Council approves a design contingency in the amount of \$9,495.

Staff Contact: Peter Gonda – (408) 730-7385

**Other**

- 1.I. RESOLUTION Federal Economic Stimulus Surface Transportation Program Funds for  
MOTION Local Streets and Roads Rehabilitation Projects –Resolution of Support  
RTC 09-052

Staff Recommendation: Alternative No. 1 - Council approves the Resolution of Support for Federal Surface Transportation Program Funds for Local Streets and Roads Rehabilitation Projects.

Staff Contact: Jack Witthaus (408) 730-7330

- 1.J. MOTION Approval of Final Maps (Tract No's. 10,004 and 10,005, Barranca and  
RTC 09-048 Arroyo Terrace) - 16 Unit Townhomes at the Northwest and Southwest  
Corner of Cortez Drive and South Bernardo Avenue by Two Corners,  
LLC.

Staff Recommendation: Council approves final maps for Tract No's. 10,004 and 10,005; authorizes the Mayor to sign the subdivision agreement upon developer's signatures, submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; directs the City Clerk to sign the City Clerk's Statement; and directs the City Clerk to forward the final maps for recordation.

Staff Contact: Mark Rogge, (408) 730-7426

- 1.K. ORDINANCE Adoption of Ordinance 2891-09 Amending Section 19.12.200 ("S") of  
No. 2891-09 Chapter 19.12 (Definitions) and Certain Sections of Chapter 19.44  
MOTION (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code Pertaining  
to Signs and Street Address Numbers

Staff Recommendation: Council approves second reading of Ordinance No. 2891-09.

Staff Contact: David Kahn, (408) 730-7464

**STAFF RESPONSES TO  
PRIOR PUBLIC  
COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.*

**PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

**PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION 2007-0306 - Rite Aid [Applicant] Tikvica Family Trust [Owner]: Appeal by  
RTC 09-045 the applicant of a decision of the Planning Commission approving a  
Special Development Permit for a drug store/pharmacy which includes a  
condition of approval to remove one of the two proposed drive-thru lanes.  
The property is located at 1010 Sunnyvale-Saratoga Road (at E.  
Remington Dr.) in a C-1/PD (Neighborhood Business/Planned  
Development) Zoning District. Special Development Permit to allow an  
approximately 14,673 square foot drug store/pharmacy with a drive-thru

Staff Recommendation: Alternative No.1 – Council denies the appeal and approves the  
Special Development Permit with conditions including the removal of one drive-thru lane  
and reducing the deficiency in parking to five spaces.

Staff Contact: Ryan Kuchenig, (408) 730-7431

3. MOTION 2008-0936 – Bergman Companies [Applicant] De Anza Square [Owner]:  
RTC 09-055 Appeal by a Councilmember of a decision of the Planning Commission  
for a Use Permit to allow a grocery store (Fresh & Easy) in an existing  
retail space greater than 10,000 square feet. The property located at  
1356 S. Mary Avenue (near W Fremont Ave at De Anza Square  
Shopping Center) in a C-1 (Neighborhood Business) Zoning District

Staff Recommendation: Alternative No.1 – Council denies the appeal and upholds the  
decision of the Planning Commission to approve the Special Development Permit with  
conditions.

Staff Contact: Noren Caliva (408) 730-7637

4. MOTION 2009 Priority Issues and Legislative Advocacy Positions  
RTC 09-046

Staff Recommendation: Alternative No.1 - Approve the *Proposed 2009 Legislative  
Advocacy Positions*, (Attachment A) including positions, Priority and Priority Watch issues,  
and 2009 League of California Cities (LCC) and National League of Cities (NLC)  
Resolutions.

Staff Contact: Yvette Blackford, (408) 730-7536

5. MOTION Adoption of 2009 Tentative Council Meeting Agenda Calendar and  
RTC 09-053 Approval of Budget Modification No. 29  
Staff recommends

Staff Recommendation: Alternatives No.1a and No.2a - Council approves the *2009  
Tentative Council Meeting Agenda Calendar* as submitted (Attachment A) and Council  
approves Budget Modification No. 29 as submitted.

Staff Contact: Yvette Blackford, (408) 730-7536

6. MOTION Reconsider City's Code of Ethics and Conduct for Elected and Appointed  
RTC 09-047 Officials Based on Council Action of February 3, 2009

Staff Recommendation: Alternative No.2: Council adopts the revised Code of Ethics and  
Conduct for Elected and Appointed Officials (as presented in Attachment A) with further  
modification to remove board and commission chair's authority to administer any form of  
discipline.

Staff Contact: Robert Walker, (408) 730-7458

7. MOTION City Appointment to the Moffett Field Restoration Advisory Board  
RTC 09-050

Staff Recommendation: Council selects an alternate representative to the Moffett Field Restoration Advisory Board by choosing either Alternative No.1 - Mayor appoints an alternate representative to the Moffett Field Restoration Advisory Board until Councilmember Lee's return or Alternative No. 2 - Council appoints an alternate representative to the Moffett Field Restoration Advisory Board until Councilmember Lee's return.

Staff Contact: Yvette Blackford, (408) 730-7536

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

#### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

#### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- RTC 09-058 Opportunity for Council to appeal decisions of the Planning Commission of February 9, 2009
- Draft Minutes of the Board of Library Trustees Meeting of February 2, 2009

#### **ADJOURNMENT**

##### **Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

**SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
February 24, 2009	Council Meeting	7 p.m.	Council Chambers
March 3, 2009	Council Meeting	7 p.m.	Council Chambers
March 10, 2009	Council Meeting	7 p.m.	Council Chambers
March 17, 2009	NO COUNCIL MEETING SCHEDULED		
March 24, 2009	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

February 19, 2009	Bicycle Advisory and Commission Meeting	6:30 p.m.	West Conf. Room
February 23, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
February 23, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
February 25, 2009	Administrative Hearing	2 p.m.	West Conf. Room
February 25, 2009	Housing & Human Services Commission	7 p.m.	West Conf. Room
March 2, 2009	Board of Library Trustees	7 p.m.	Council Chambers
March 4, 2009	Heritage Preservation Commission	7 p.m.	West Conf. Room
March 9, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
March 9, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
March 11, 2009	Administrative Hearing	2 p.m.	West Conf. Room
March 11, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
March 16, 2009	Personnel Board	5 p.m.	Council Chambers
March 18, 2009	Arts Commission	7 p.m.	Council Chambers
March 19, 2009	Bicycle Advisory and Commission Meeting	6:30 p.m.	West Conf. Room
March 23, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
March 23, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
March 25, 2009	Administrative Hearing	2 p.m.	West Conf. Room
March 25, 2009	NOVA Workforce Board Meeting	Noon	NOVA Board Room
April 8, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
April 15, 2009	Arts Commission	7 p.m.	Council Chambers

**CHANNEL 15 – KSUN**

February 24, 2009	City Council Meeting - Live	7 p.m.
February 25, 2009	City Council Meeting - Replay of February 24, 2009	7 p.m.
March 1, 2009	City Council Meeting - Replay of February 24, 2009	4 p.m.
March 3, 2009	City Council Meeting - Live	7 p.m.
March 4, 2009	City Council Meeting - Replay of March 3, 2009	7 p.m.
March 8, 2009	City Council Meeting - Replay of March 3, 2009	4 p.m.
March 10, 2009	City Council Meeting - Live	7 p.m.
March 11, 2009	City Council Meeting - Replay of March 10, 2009	7 p.m.
March 15, 2009	City Council Meeting - Replay of March 10, 2009	4 p.m.
March 24, 2009	City Council Meeting - Live	7 p.m.
March 25, 2009	City Council Meeting - Replay of March 24, 2009	7 p.m.
March 29, 2009	City Council Meeting - Replay of March 24, 2009	4 p.m.